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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Robinson *et.al.*

Appl. No. 10/040,945

Filed: January 9, 2002

For: **Modular Assembly of Antibody
Genes, Antibodies Prepared
Thereby and Use**



Confirmation No. 5282

Art. Unit: *To Be Assigned*

Examiner: *To Be Assigned*

Atty. Docket: 0610.005000I/MAC

**Response and Request for Reconsideration of Notice to Comply with
Sequence Requirements**

Commissioner for Patents
Washington, D.C. 20231

Sir:

This letter responds to and requests reconsideration of, the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures.

The instant application claims priority to U.S. Application No. **07/501,092**, filed **March 29, 1990**, which contains the same sequences as those in the instant application. The requirements for patent applications containing nucleotide sequence and/or amino acid sequence disclosures went into effect October 1, 1990, after the filing date of the above-mentioned priority application.

The *Federal Register*, Vol. 55, No. 84, page 18230, states that "the final rules will not apply, except on a voluntary basis, to continuation or divisional applications filed after the effective date unless any application upon which 35 U.S.C. § 120 priority is claimed was also subject to these rules." Accordingly, Applicants believe that a sequence listing is not required.

In view of the foregoing, it is respectfully submitted that the instant application complies with the requirements for patent applications containing nucleotide sequence and/or amino acid sequence disclosure. Accordingly, reconsideration is respectfully requested.

Respectfully submitted,

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